

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re

YELLOW CORPORATION, et al.¹.

Chapter 11
Case No. 23-11069
(Jointly Administered)

Debtors.

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**JEFF MOORE, ELIZABETH BROOKE MOORE
and VIDAL TORRES, on behalf of themselves and
all others similarly situated,**

**Adversary Proceeding No. 23-50457
(CTG)**

Plaintiffs,

v.

**YELLOW CORPORATION; USF REDDAWAY
INC.; 1105481 ONTARIO INC.; YELLOW
FREIGHT CORPORATION; EXPRESS LANE
SERVICE, INC.; YELLOW LOGISTICS, INC.;
NEW PENN MOTOR EXPRESS LLC; YRC
ASSOCIATION SOLUTIONS, INC.; ROADWAY
EXPRESS INTERNATIONAL, INC.; YRC
ENTERPRISE SERVICES, INC.; ROADWAY
LLC; YRC FREIGHT CANADA COMPANY;
ROADWAY NEXT DAY CORPORATION; YRC
INC.; USF BESTWAY INC.; YRC
INTERNATIONAL INVESTMENTS, INC.; USF
DUGAN INC.; YRC LOGISTICS INC.; USF
HOLLAND INTERNATIONAL SALES
CORPORATION; YRC LOGISTICS SERVICES,
INC.; USF HOLLAND LLC; YRC MORTGAGES,
LLC; USF REDSTAR LLC AND YRC
REGIONAL TRANSPORTATION, INC.**

Defendants.

¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' proposed claims and noticing agent at <https://dm.epiq11.com/YellowCorporation>. The location of Debtors' principal place of business and the Debtors' service address in these chapter 11 cases is: 511500 Outlook Street, Suite 400, Overland Park, Kansas 66211.

PLAINTIFF'S MOTION FOR (A) CLASS CERTIFICATION, (B) APPOINTMENT OF CLASS REPRESENTATIVE, (C) APPOINTMENT OF CLASS COUNSEL, (D) APPROVAL OF THE FORM AND MANNER OF CLASS NOTICE, AND (E) SUCH OTHER AND FURTHER RELIEF AS THIS COURT MAY DEEM APPROPRIATE

Vidal Torres² (“Plaintiff”) moves this Honorable Court for an order: (a) for the certification of a class comprised of all former non-bargaining unit employees of one or more of the Defendants, who worked at or reported to any Defendant’s facilities across the United States (“Facilities”) and were terminated without cause on their part, on or about July 28, 2023, within thirty days of that date or thereafter as part of, or as the reasonably expected consequence of the mass layoffs and/or plant closings (as defined by the Worker Adjustment and Retraining Notification (“WARN”) Act, 29 U.S.C. §§ 2101 – 2109 and 29 C.F.R. §639.3, and, with regard to the California employees, mass layoffs, relocations, or terminations as defined under the California Labor Code § 1400 et. seq. (“California WARN Act”), at the Facilities and who do not file a timely request to opt-out of the class (the “Class”), (b) appointing Plaintiff Vidal Torres as Class Representative, (c) appointing Lankenau & Miller, LLP, The Gardner Firm, P.C. and Margolis Edelstein as Class Counsel, (d) approving the form and manner of Notice to the Class, and (e) granting such other and further relief as this Court may deem proper.

In support hereof, Plaintiff submits a memorandum of law, the declarations of Plaintiff and Plaintiff’s counsel, a proposed class notice, and a proposed order.

Dated: November 13, 2023

Respectfully submitted,

² Recently, the International Brotherhood of Teamsters (“Teamsters”) and the International Association of Machinists (“IAM” and collectively with Teamsters, the “Unions”) filed proofs of claim, on their own behalf and on behalf of their bargaining unit members, against the Debtors which include claims under the WARN Act. The Unions have the authority to represent their bargaining unit employees on WARN Act claims, See, e.g., 29 U.S.C. § 2101 (a)(4) and § 2105. Jeff Moore and Elizabeth Brooke Moore are Teamsters’ bargaining unit employees now encompassed by the Teamsters’ WARN Act claims.

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